

1 Nathan J. Arnold, WSBA No. 45356
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7 **UNITED STATES DISTRICT COURT**
8 **EASTERN DISTRICT OF WASHINGTON**

9 Firefighters MICHAEL BACON,)
10 ANDREA KERNKAMP, JOE) **CASE NO. 2:21-cv-00296**
11 HOWARTH, BRENNAN COOKE,)
12 TIM WHEELER, TOM HARVEY,) **DECLARATION OF**
13 JOEL BROSE, TANNER) **NATHAN J. ARNOLD**
14 TOWNSEND, CURTIS SMITH,)
15 ISAIAH DEAN, NICHOLAS)
16 HOLMES, MATTHEW NORTON,)
17 JHAR FULLER, STEVEN HOWIE,)
18 JEFFREY BAXTER, ARIC PISA,)
19 DUANE WILCOX, DAVID HEIZER,)
JAMES BILLMAN, MARLIN)
THORMAN, JASON WEBSTER,)
TIMOTHY ARCHER, COREY)
BARKER, SCOTT MCCANN, and)
CONNOR FOXWORTH,)
Plaintiffs,)
v.)
NADINE WOODWARD, the Mayor of)
the City of Spokane, Fire Chief BRIAN)
SCHAEFFER, the CITY OF)
SPOKANE.)
Defendants.)

1 Nathan J. Arnold declares under penalty of perjury.

2 1. I am counsel of record in the above captioned matter, a member of the WSBA
3 in good standing, and provide this declaration to submit materials relevant to
4 this matter, some of which have been submitted under oath in related matters.

5 2. Attached as Exhibit 1 is a true and correct copy of The Declaration of Nathan
6 J. Arnold in Support of Plaintiffs' Emergency Motion to Hear on Shortened
7 Time Plaintiffs' Motion for Summary Judgment, filed in the Walla Walla
8 County Superior Court, Case No. 21-2-00411-36.

9 3. Attached as Exhibit 2 is a true and correct copy of The Declaration of Anna
10 Moleva in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition,
11 filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.

12 4. Attached as Exhibit 3 is a true and correct copy of The Declaration of Danielle
13 Oyen in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition,
14 filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.

15 5. Attached as Exhibit 4 is a true and correct copy of The Declaration of Dustin
16 Stephan in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition,
17 filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.

18 6. Attached as Exhibit 5 is a true and correct copy of The Declaration of Elizabeth
19 Bain in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition,
20 filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.

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DECLARATION OF NATHAN J. ARNOLD - 2

ARNOLD & JACOBOWITZ PLLC
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CHELAN, WA 98816 (THIS OFFICE DOES NOT ACCEPT SERVICE OF PROCESS)

7. Attached as Exhibit 6 is a true and correct copy of The Declaration of Faye Taitano Cueto in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition, filed in the Walla Walla Superior Court, Case No. 21-2-00411-36.
8. Attached as Exhibit 7 is a true and correct copy of The Declaration of Joshua Jackson in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition, filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.
9. Attached as Exhibit 8 is a true and correct copy of The Declaration of Lynette King in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition, filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.
10. Attached as Exhibit 9 is a true and correct copy of The Declaration of Mark Anderson in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition, filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.
11. Attached as Exhibit 10 is a true and correct copy of The Declaration of Nathan J. Arnold in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition, filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.
12. Attached as Exhibit 11 is a true and correct copy of The Declaration of Stephanie Adams in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition, filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.

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1 13. Attached as Exhibit 12 is a true and correct copy of The Declaration of
2 Stephen F. Austin in Support of Plaintiffs' Motion for Injunction or Writ of
3 Prohibition, filed in the Walla Walla County Superior Court, Case No. 21-2-
4 00411-36.
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6 14. Attached as Exhibit 13 is a true and correct copy of The Declaration of Beth
7 Lindenman in Support of Plaintiffs' Motion for Injunction or Writ of
8 Prohibition, filed in the Walla Walla County Superior Court, Case No. 21-2-
9 00411-36.
10

11 15. Attached as Exhibit 14 is a true and correct copy of The Declaration of Steven
12 Collins in Support of Plaintiffs' Motion for Injunction or Writ of Prohibition,
13 filed in the Walla Walla County Superior Court, Case No. 21-2-00411-36.
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15 16. Attached as Exhibit 15 is a true and correct copy of The Declaration of Ernest
16 David Newton in Support of Opposition to Change of Venue, filed in the Walla
17 Walla County Superior Court, Case No. 21-2-00411-36.
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19 17. Attached as Exhibit 16 is a true and correct copy of The Declaration of Travis
20 Wade Jerald in Support of Opposition to Change of Venue, filed in the Walla
21 Walla County Superior Court, Case No. 21-2-00411-36.
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23 18. Attached as Exhibit 17 is a true and correct copy of The Declaration of
24 Jennifer Judie Turner in Support of Opposition to Change of Venue, filed in
25 the Walla Walla County Superior Court, Case No. 21-2-00411-36.

1 19. Attached as Exhibit 18 is a true and correct copy of The Declaration of Carissa
2 Sweet in Support of Opposition to Change of Venue, filed in the Walla Walla
3 County Superior Court, Case No. 21-2-00411-36.

4 20. Attached as Exhibit 19 is a true and correct copy of The Declaration of Donald
5 Weaver in Support of Opposition to Change of Venue, filed in the Walla Walla
6 County Superior Court, Case No. 21-2-00411-36.

7 21. Attached as Exhibit 20 is a true and correct copy of The Declaration of
8 Vanessa Lynn Shultz in Support of Opposition to Change of Venue, filed in
9 the Walla Walla County Superior Court, Case No. 21-2-00411-36.

10 22. Attached as Exhibit 21 is a true and correct copy of The Third Declaration of
11 Nathan J. Arnold, filed in the Walla Walla County Superior Court, Case No.
12 21-2-00411-36.

13 23. Attached as Exhibit 22 is a true and correct copy of The Declaration of Dr.
14 Braden Andersen, filed in the Walla Walla County Superior Court, Case No.
15 21-2-00411-36.

16 24. Attached as Exhibit 23 is a true and correct copy of The Declaration of Dr.
17 Peter Himmel, filed in the Walla Walla County Superior Court, Case No. 21-
18 2-00411-36.

19 25. Attached as Exhibit 24 is a true and correct copy of The Declaration of Charles
20 Paul LeBlanc in Support of Opposition to Change of Venue, filed in the Walla
21

1 Walla County Superior Court, Case No. 21-2-00411-36.

2 26. Attached as Exhibit 25 is a true and correct copy of The Declaration of Alicia
3 M. Gray, filed in the Walla Walla County Superior Court, Case No. 21-2-
4 00411-36.

5 27. Attached as Exhibit 26 is a true and correct copy of The Declaration of Amy
6 King, filed in the Walla Walla County Superior Court, Case No. 21-2-00411-
7 36.

8 28. Attached as Exhibit 27 is a true and correct copy of The Declaration of
9 Cynthia Oster, filed in the Walla Walla County Superior Court, Case No. 21-
10 2-00411-36.

11 29. Attached as Exhibit 28 is a true and correct copy of The Declaration of Jason
12 Postlewait, filed in the Walla Walla County Superior Court, Case No. 21-2-
13 00411-36.

14 30. Attached as Exhibit 29 is a true and correct copy of The Declaration of Mark
15 Klicker, filed in the Walla Walla County Superior Court, Case No. 21-2-
16 00411-36.

17 31. Attached as Exhibit 30 is a true and correct copy of The Declaration of Perry
18 Dozier, filed in the Walla Walla County Superior Court, Case No. 21-2-00411-
19 36.

20 32. Attached as Exhibit 31 is a true and correct copy of The Declaration of Skyler

21 DECLARATION OF NATHAN J. ARNOLD - 6

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1 Rude, filed in the Walla Walla County Superior Court, Case No. 21-2-00411-
2 36.

3 33. Attached as Exhibit 32 is a true and correct copy of The Declaration of Nathan
4 J. Arnold, filed in the Walla Walla County Superior Court, Case No. 21-2-
5 00411-36.

6 34. Attached as Exhibit 33 is a true and correct copy of The Declaration of Kristi
7 McKethen filed in the Thurston County Superior Court, Case No. 21-2-01674-
8 34.

9 35. Attached as Exhibit 34 is a true and correct copy of The Declaration of Louisa
10 Rogers, filed in the Thurston County Superior Court, Case No. 21-2-01674-
11 34.

12 36. Attached as Exhibit 35 is a true and correct copy of The Declaration of
13 Zachary Pilz, filed in the Thurston County Superior Court, Case No. 21-2-
14 01674-34.

15 37. Attached as Exhibit 36 is a true and correct copy of The Declaration of Neil
16 Konitshek, filed in the Thurston County Superior Court, Case No. 21-2-01674-
17 34.

18 38. Attached as Exhibit 37 is a true and correct copy of The Declaration of Nathan
19 J. Arnold in Support of Plaintiffs' Motion for Contempt of Court, filed in the
20 Thurston County Superior Court, Case No. 21-2-01674-34.

1 39. Attached as Exhibit 38 is a true and correct copy of The Declaration of Brenda
2 Contine, filed in the Thurston County Superior Court, Case No. 21-2-01674-
3 34.

4 40. Attached as Exhibit 39 is a true and correct copy of The Declaration of
5 Kamberly Warner, filed in the Thurston County Superior Court, Case No. 21-
6 2-01674-34.

7 41. Attached as Exhibit 40 is a true and correct copy of The Declaration of Zana
8 Carver, filed in the Thurston County Superior Court, Case No. 21-2-01674-34.

9 42. Attached as Exhibit 41 is a true and correct copy of Proclamation by the
10 Governor Amending Proclamations 20-05 and 20-14, 21-14.1 COVID-19
11 Vaccination Requirement.

12 43. Attached as Exhibit 42 is a true and correct copy of Jessica Berg Wilson's
13 obituary.

14 44. Attached as Exhibit 43 is a true and correct copy of U.S. Equal Employment
15 Opportunity Commission's "What You Should Know About COVID-19 and
16 the ADA, the Rehabilitation Act, and EEO Laws".

17 45. Attached as Exhibit 44 is a true and correct copy of email correspondence re:
18 Accommodation Update.

19 46. Attached as Exhibit 45 is a true and correct copy of Emergency Application
20 for Writ of Injunction.

21 DECLARATION OF NATHAN J. ARNOLD - 8

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1 47. Attached as Exhibit 46 is a true and correct copy of email correspondence re:
2 FAQ.

3 48. Attached as Exhibit 47 is a true and correct copy of email correspondence re:
4 New mandatory vaccine proclamation.

5 49. Attached as Exhibit 48 is a true and correct copy of email correspondence re:
6 religious exemption.

7 50. Attached as Exhibit 49 is a true and correct copy of email correspondence re:
8 Checking in.

9 51. Attached as Exhibit 50 is a true and correct copy of Washington State
10 Department of Health's COVID-19 Vaccination Coverage by Race and
11 Ethnicity and the Age in Washington State data, dated February 10, 2021.

12 52. Attached as Exhibit 51 is a true and correct copy of Washington State
13 Department of Health's COVID-19 Vaccination Coverage by Race and
14 Ethnicity and the Age in Washington State data, dated April 23, 2021.

15 53. Attached as Exhibit 52 is a true and correct copy of State of Washington
16 House of Representatives' COVID-19 2021 Interim Operations Plan updated
17 September 2021.

18 54. Attached as Exhibit 53 is a true and correct copy of email correspondence re:
19 Proclamation update...for review.

20 55. Attached as Exhibit 54 is a true and correct copy of email correspondence re:

21 DECLARATION OF NATHAN J. ARNOLD - 9

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1 New mandatory vaccine proclamation.

2 56. Attached as Exhibit 55 is a true and correct copy of State of Washington

3 Department of Social and Health Services' Religious Exemption Additional

4 Information Form 2.

5 57. Attached as Exhibit 56 is a true and correct copy of Office of the Governor's

6 Executive Order 16-07 "Building a Modern Work Environment".

7 58. Attached as Exhibit 57 is a true and correct copy of email correspondence re:

8 reasonable accommodation reassignment form.

9 59. Attached as Exhibit 58 is a true and correct copy of email correspondence re:

10 Religious Accommodation Request.

11 60. Attached as Exhibit 59 is a true and correct copy of Office of the Governor's

12 Executive Order 14-02 "Expanding Telework and Flexible Working Hours

13 Programs to Help Reduce Traffic Congestion and Improve Quality of Life".

14 61. Attached as Exhibit 60 is a true and correct copy of Proclamation by the

15 Governor Amending Proclamations 20-05 and 20-46, et seq. 20-46.3 High-

16 Risk Employees – Workers' Rights.

17 62. Attached as Exhibit 61 is a true and correct copy of Washington State Health

18 Care Authority's Religious Exemption Questionnaire.

19 63. Attached as Exhibit 62 is a true and correct copy of KCFCA meeting minutes

20 re Vaccination and Accommodations discussion.

1 64. Attached as Exhibit 63 is a true and correct copy of DSHS's Returning to the
2 Office & Required Training.

3 65. Attached as Exhibit 64 is a true and correct copy of State of Washington
4 Health Care Authority's correspondence re: COVID-19 Vaccine Mandate
5 Accommodation

6 66. Attached as Exhibit 65 is a true and correct copy of The Declaration of Teresa
7 Fox, filed in the United States District Court for the Western District of
8 Washington, Case No. 3:21-cv-05735.

9 67. Attached as Exhibit 66 is a true and correct copy of The Declaration of Kara
10 Coalman, filed in the United States District Court for the Western District of
11 Washington, Case No. 3:21-cv-05735.

12 68. Attached as Exhibit 67 is a true and correct copy of The Declaration of Blaine
13 Schiess, filed in the United States District Court for the Western District of
14 Washington, Case No. 3:21-cv-05735.

15 69. Attached as Exhibit 68 is a true and correct copy of The Declaration of Sheila
16 Hollingsworth, filed in the United States District Court for the Western District
17 of Washington, Case No. 3:21-cv-05735.

18 70. Attached as Exhibit 69 is a true and correct copy of The Declaration of
19 Jennifer Templeton, filed in the United States District Court for the Western
20 District of Washington, Case No. 3:21-cv-05735.

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1 71. Attached as Exhibit 70 is a true and correct copy of The Declaration of
2 Michael Faulk, filed in the United States District Court for the Western District
3 of Washington, Case No. 3:21-cv-05735.

4 72. Attached as Exhibit 71 is a true and correct copy of The Declaration of
5 William Cleary, filed in the United States District Court for the Western
6 District of Washington, Case No. 3:21-cv-05735.

7 73. Attached as Exhibit 72 is a true and correct copy of The Declaration of Jamal
8 George, filed in the United States District Court for the Western District of
9 Washington, Case No. 3:21-cv-05735.

10 74. Attached as Exhibit 73 is a true and correct copy of The Declaration of Juan
11 Lopez, filed in the United States District Court for the Western District of
12 Washington, Case No. 3:21-cv-05735.

13 75. Attached as Exhibit 74 is a true and correct copy of The Declaration of Venus
14 Bailey, filed in the United States District Court for the Western District of
15 Washington, Case No. 3:21-cv-05735.

16 76. Attached as Exhibit 75 is a true and correct copy of The Declaration of Dr.
17 Zana Carver, filed in the United States District Court for the Western District
18 of Washington, Case No. 3:21-cv-05735.

19 77. Attached as Exhibit 76 is a true and correct copy of The Declaration of Jessie
20 Howard, filed in the United States District Court for the Western District of

1 Washington, Case No. 3:21-cv-05735.

2 78. Attached as Exhibit 77 is a true and correct copy of The Declaration of Taylor
3 Schrodt, filed in the United States District Court for the Western District of
4 Washington, Case No. 3:21-cv-05735.

5 79. Attached as Exhibit 77 is a true and correct copy of the Declaration of Valerie
6 Santos.

7 80. Attached as Exhibit 78 is a true and correct copy of the Declaration of Rumina
8 Killeen.

9 81. Attached as Exhibit 79 is a true and correct copy of the Declaration of Dr.
10 Robert Malone

11 82. Attached as Exhibit 80 is a true and correct copy of Dr. Wie Lin.

12 83. Attached as Exhibit 81 is a true and correct copy of the Declaration of Dr.
13 Peter McCullough.

14 84. Attached as Exhibit 82 is a true and correct copy of the Supplemental
15 Declaration of Dr. Zana Carver.

16 85. Attached as Exhibit 83 is a true and correct copy of the declaration of Loretta
17 Taylor.

18 86. Attached as Exhibit 84 is a true and correct copy of the Declaration of Dr.
19 Michael Jackson.

20 87. Attached as Exhibit 85 is a true and correct copy of the Declaration of Dr.

1 Luxton.

2 88. Exhibit 86 is omitted.

3 89. Attached as Exhibit 87 is a true and correct copy of the Declaration of
4 Matthew Lovelass.

5 90. Attached as Exhibit 88 is a true and correct copy of the Declaration of Barnes.

6 91. Attached as Exhibit 89 is a true and correct copy of the Declaration of
7 Spokane Firefighter McCann.

8 92. Attached as Exhibit 90 is a true and correct copy of the Declaration of
9 Spokane Firefighter Brose.

10 93. Attached as Exhibit 91 is a true and correct copy of the Declaration of
11 Spokane Firefighter Howie.

12 94. Attached as Exhibit 92 is a true and correct copy of the Declaration of
13 Spokane Firefighter Fuller.

14 95. Attached as Exhibit 93 is a true and correct copy of the Declaration of
15 Spokane Firefighter Baxter.

16 96. Exhibit 94 is omitted.

17 97. Attached as Exhibit 95 is omitted.

18 98. Attached as Exhibit 96 is a true and correct copy of the Declaration of
19 Spokane Firefighter Norton.

20 99. Attached as Exhibit 97 is a true and correct copy of the Declaration of

1 Spokane Firefighter Barker.

2 100. Attached as Exhibit 98 is a true and correct copy of the Declaration of
3 Spokane Firefighter Thorman.

4 101. Attached as Exhibit 99 is a true and correct copy of the Declaration of
5 Spokane Firefighter Townsend.

6 102. Exhibit 100 is omitted.

7 103. Attached as Exhibit 101 is a true and correct copy of the Declaration of
8 Spokane Firefighter Kernkamp.

9 104. Attached as Exhibit 102 is a true and correct copy of the Declaration of
10 Spokane Firefighter Wilcox.

11 105. Attached as Exhibit 103 is true and correct copy of a letter to the WSF.

12 106. Attached as Exhibit 104 is a true and correct copy of letter from Spokane
13 Valley Fire.

14 107. Attached as Exhibit 104 is a true and correct copy of letter from Snohomish
15 County Fire.

16 108. Attached as Exhibit 105 is a true and correct copy of DOC's Safe State
17 Washington Plan.

18 109. Attached as Exhibit 106 is a true and correct copy of King County COVID
19 exposure guidelines.

20 110. Attached as Exhibit 107 is a true and correct copy of the Vaccination

1 Accommodation Matrix.

2 EXECUTED this 14th day of October 2021 at Edmonds, WA

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5 /s/Nathan J. Arnold

6 Nathan J. Arnold, WSBA No. 45356

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DECLARATION OF NATHAN J. ARNOLD - 16

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